



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,113	03/31/2000	Wolfgang Renz		2414

7590 10/25/2002

SCHIFF HARDIN & WAITE  
PATENT DEPARTMENT  
7100 SEARS TOWER  
233 S. WACKER DRIVE  
CHICAGO, IL 60606-6473

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 10/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Communication Re: Appeal**

Application No.  
**09/540,113**

Applicant(s)  
**Renz et al.,**

Examiner  
**Tiffany Fetzner**

Art Unit  
**2862**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☐ The Notice of Appeal filed on \_\_\_\_\_ is not acceptable because:
- (a) ☐ it was not timely filed.
  - (b) ☐ the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b).
  - (c) ☐ the appeal fee received on \_\_\_\_\_ was not timely filed.
  - (d) ☐ the submitted fee of \$ \_\_\_\_\_ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$ \_\_\_\_\_.
  - (e) ☐ the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.
  - (f) ☐ a Notice of Allowability, PTO-37, was mailed by the Office on \_\_\_\_\_.
2. ☒ The appeal brief filed on Sep 4, 2002 is NOT acceptable for the reason(s) indicated below: *See Note*
- (a) ☐ the brief and/or brief fee is untimely. See 37 CFR 1.192.
  - (b) ☐ the statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).
  - (c) ☐ the submitted brief fee of \$ \_\_\_\_\_ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$ \_\_\_\_\_.

The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. Extensions of time may be obtained under 37 CFR 1.136(a).

3. ☐ The appeal in this application is DISMISSED because:
- (a) ☐ the statutory fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
  - (b) ☐ the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
  - (c) ☐ Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on \_\_\_\_\_.
  - (d) ☐ other:
4. ☐ Because of the dismissal of the appeal, this application:
- (a) ☐ is abandoned because there are no allowed claims.
  - (b) ☐ is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
  - (c) ☐ is before the examiner for consideration of the submission and prosecution has been reopened pursuant to 37 CFR 1.114.

Note: ① There is no clean copy of the claims; having both claim sets is not considered a clean copy.  
② In as much as the Amendment After-final has not been entered, any arguments drawn to the Amended claims should be removed.  
③ The After-final Amendment will not be entered because it would raise new issues, require new search and change the scope of applicant's invention/claims.

**EDWARD LEFKOWITZ**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800  
Part of Paper No. 124